

### REMARKS

The present remarks are in response to the Office Action entered in the above identified application and mailed on January 16, 2003. Applicant acknowledges with appreciation the Examiner's indication that Claims 18, 21 and 22 are allowed and have placed these claims in allowable form.

It is noted that the claims have been amended for clarification purposes. Notably, claim 18 is amended to clarify that the step of limiting the lower transmission rate occurs when it is decided not to limit the rate, even though this was clear from the reading of the claim. Further, claims 22 and 23 are amended to depend from claim 21, as the earlier dependency was clearly erroneous.

Applicant further acknowledges the Examiner's indication that claims 10, 12 and 23 would be allowable if placed in independent form. In following with the Examiner's suggested course of action, claims 10 and 12 have been cancelled and resubmitted in independent form as claims 24 and 25 respectively in order to obtain formal allowance of these claims.

Claim 23 has been amended to depend from claim 22, which is itself dependent on claim 21, which as been indicated as being allowable. It is suggested that claim 10 does not require the limitation that the first scheduler employ a weighted fair queuing scheduling algorithm as claimed in intervening claim 8 to be allowable. Accordingly, this element is not included in new claim 24, and dependent claim 8 has been amended to depend from new claim 24 (resubmitted claim 10).

Claims 7 and 11 are canceled without prejudice. Notably, claims 7 and 11 are incorporated into allowable claims 10 and 12, respectively, and have been canceled solely for the purpose of placing this case in condition for formal allowance. Therefore, Applicant does not forfeit the limitations of claims 7 and 11 and reserves the right to prosecute these claims in a future application.

The dependency of the remaining claims is corrected to depend from the existing independent claims and are, therefore, allowable, by virtue that the independent claims are in form for allowance.

For these reasons, Applicant respectfully submits that all of the claims as they presently stand all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. However, if there are any remaining issues the Examiner is

encourage to call Applicants' attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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BY



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